

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GENARO FAVALA RAMIREZ,

Defendant.

8:05CR162

TRIAL ORDER

This matter was removed from the trial docket on September 12, 2006, at the request of the defendant. A plea hearing was set for November 17, 2006 before Magistrate Judge Thalken; however, on November 16, 2006, defendant filed a motion [241] requesting that the case be returned to the trial docket.

IT IS ORDERED that defendant's Motion [241] is granted, as follows:

1. This case is scheduled for a jury trial before the Honorable Laurie Smith Camp, District Court Judge, to begin Tuesday, **January 16, 2007 at 9:00 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant must be present in person.
2. Upon consultation with Magistrate Judge Thalken, the plea hearing set for November 17, 2006 is cancelled.
3. Counsel for the United States shall confer with defense counsel and advise the court no later than **January 5, 2007** of the anticipated length of trial.
4. In accordance with 18 U.S.C. § 3161(h), I find that the ends of justice will be served by granting defendant's request and outweigh the best interest of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **November 16, 2006 and January 16, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because failure to grant a continuance would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. 3161(h)(8)(A) & (B)(iv).

DATED November 17, 2006.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge